



## CORPORATION OF THE TOWNSHIP OF UXBRIDGE

### MUNICIPAL BY-ELECTION 2015

*Powers of the Clerk – s. 12 (1) Municipal Elections Act, 1996*

- 12 (1) *A clerk who is responsible for conducting an election may provide for any matter or procedure that,*
- (a) is not otherwise provided for in an Act or regulation; and*
  - (b) in the clerk's opinion, is necessary or desirable for conducting the election.*

### PROCEDURE and RULES

#### **Declaration**

In accordance with Sections 12(1) and 42(3) of the *Municipal Elections Act, 1996, as amended*, I hereby certify that the attached procedures shall be followed in conducting the 2015 Municipal By-Election in the Township of Uxbridge.

DATED at the Township of Uxbridge, in the Regional Municipality of Durham this 23<sup>rd</sup> day of September, 2015.

---

Debbie Leroux, Clerk and Returning Officer  
Corporation of the Township of Uxbridge

## **Overview**

The *Municipal Elections Act, 1996, as amended*, (the Act) grants the Clerk for the Township of Uxbridge, as Returning Officer, to establish procedures and forms for voting and vote-counting equipment within the municipality (subsection 42(3)). The Act further grants the Clerk authority to provide for any matter or procedure that is not provided for in the Act (Section 12).

On January 13<sup>th</sup>, 2014, Council for the Corporation of the Township of Uxbridge enacted By-law Number 2014-007, being a by-law to authorize the Clerk to conduct the 2014 Municipal Election using a mail-in voting process, and on April 14<sup>th</sup>, 2014, enacted By-law Number 2014-047, being a by-law to authorize the Clerk to use Optical Scan Ballot Tabulators for the 2014 Municipal Election. As per Section 42(2)(b) these by-laws apply to the 2015 Ward 3 Municipal By-Election.

The following procedures detail the processes to be followed, as directed by the Clerk, for the 2015 Municipal Ward 3 By-Election in the Township of Uxbridge.

## Table of Contents

1. Election Personnel .....	1
2. Notices.....	1
3. Nominations.....	1
4. Forms.....	4
5. Form of Ballot .....	5
6. Voters' List.....	5
7. Proxy Voting.....	6
8. Mail-in Voting Procedure.....	7
9. Accessible Election Policies/Procedures .....	9
• Access to Ballot Return Station	
• Voting Assistance	
10. Rejection of Ballots .....	11
11. Security & Disposition of Election Records.....	12
12. Ballot Counting Centre – General.....	14
13. Ballot Counting Centre – Operational Procedures.....	15
14. Alternative Voting Equipment.....	17
• Vote Scanners/Tabulators	
15. Scrutineers and Candidates .....	20
• Rights of Scrutineers and Candidates	
• Rules of Conduct for Scrutineers and Candidates	
16. Announcement of Results.....	22
17. Recounts.....	22
18. Emergencies.....	22
19. Amendments to the Procedures and Rules .....	23

## **1. ELECTION PERSONNEL**

- 1.1 The Clerk may appoint in writing, Deputy Returning Officers (DRO's) and such other officials as required to assist in the administration, management, security and control of the Mail-in Voting election system.
- 1.2 Written appointments and delegation of duties of DRO's and Election Officials will include the authority to require any person to furnish proof of identity or qualifications pursuant to the Act.

## **2. NOTICES**

- 2.1 All advertisements and notices will be published on the "Township Page" in the Uxbridge Times-Journal which, in the opinion of the Clerk, is of sufficiently general circulation to notify the voters of the Township. These same advertisements and notices will also appear on the Township's website: [www.town.uxbridge.on.ca](http://www.town.uxbridge.on.ca). The Clerk may also place notices in other newspapers, with general circulation, as she deems appropriate.
- 2.2 Notice of Nomination will be published and posted before Nomination Day. The Nomination period runs from September 15, 2015 to October 9, 2015 at 2:00 p.m. as determined by the clock within the Clerk's Department, Main Floor, Uxbridge Town Hall.
- 2.3 Notice of Revision of the Voters' List will be published and posted before October 1, 2015. The revision period runs from October 1, 2015 to the close of voting on November 23, 2015 at 8:00 p.m.
- 2.4 Notice of Vote will be published and posted after October 21, 2015.
- 2.5 The Clerk reserves the right to publish additional advertisements and notices as deemed appropriate.

## **3. NOMINATIONS**

- 3.1 A nomination form must be signed by the candidate and may be filed by the candidate or his/her agent, in person, on or before Nomination Day, October 9<sup>th</sup>, 2015, during regular business hours, Monday through Friday, 8:30 a.m. until 4:30 p.m. On Nomination Day, nominations may be filed between the hours of 9:00 a.m. and 2:00 p.m., only.
- 3.2 Faxed nomination forms are not permitted, original signatures are required.
- 3.3 A prescribed nomination-filing fee of \$100.00 must accompany the nomination form for the office of Ward 3 Councillor. This fee is refundable if the candidate withdraws his/her nomination under Section 36 of the Act

or receives more than 2% of the votes cast for the office to which he/she is nominated.

- 3.4 A nominee must satisfy all of the following qualifications at the time of registering a nomination for a Council position:
- lives in the Township of Uxbridge, is the owner or tenant of land therein, or the spouse or same sex partner of such owner or tenant;
  - be a Canadian citizen;
  - be at least 18 years of age; and
  - must not be statutorily disqualified from registering.
- 3.5 At time of registration of the Nomination Papers, the Clerk or designate, will ensure the following:
- the Nomination form is complete and a copy provided to the candidate;
  - the candidate is aware of how his name will appear on the ballot;
  - the prescribed nomination fee is received and a receipt is given to the candidate and a copy retained for the file;
  - the Declaration of Qualifications has been completed and signed and a copy provided to the candidate;
  - the Certificate of Maximum Expenses, at Filing, has been completed and given to the candidate and a copy retained for the file;
  - the Personal Information Release Form has been completed and a copy provided to the candidate;
  - the Candidate Package No. 1 has been given to the candidate; and
  - the candidate's name is added to the Candidate Filing List and the Township Website along with any personal information permitted by the candidate (names will be listed in alphabetical order).
- 3.6 The onus is on the candidate to file a bona fide nomination paper and **no** responsibility for the accuracy of the information lies with the Clerk. The declaration may be sworn before any commissioner/notary but the Clerk may refuse to administer any oath if she does not believe the information given is true.
- 3.7 The onus is also on the candidate to ensure that he/she is included on the Voters' List for the Township of Uxbridge and that information shown thereon is complete and accurate. If an addition or correction is required, the candidate must request an Application to Amend the Voters' List (EL15 form). The Voters' List will be made available to the candidates on October 1<sup>st</sup>, 2015, upon submission of the Voters' List Request Form.
- 3.8 Once a nomination paper has been filed with the Clerk, it will remain in the possession of the Clerk but shall be open for inspection by any person during normal office hours.

- 3.09 The Clerk may, at any time prior to the statutory certification of the nominations, review any nominations received. If the Clerk has knowledge that the information presented on the Nomination Form has been determined to be untrue, she may advise the candidate that the nomination is rejected, the nomination fee will be refunded and the candidate's name will be removed from the Candidate Filing List.
- 3.10 A Member of Council must maintain their qualifications throughout the entire term of office or their seat will become vacant.
- 3.11 Candidates may withdraw their nominations by delivering a written withdrawal to the Clerk at or before 2:00 p.m. on Nomination Day (Friday, October 9<sup>th</sup>, 2015). If the withdrawal is submitted by anyone other than the candidate, the Clerk will follow up to ensure that the withdrawal is valid and was submitted with the candidate's permission. The candidate will still be required to submit a Form 4 Financial Statement covering all financial transactions up to the time of the withdrawal. This statement is due no later than January 7<sup>th</sup>, 2015.
- 3.12 A nomination must be certified by the Clerk before such person becomes a certified candidate for the office to which they have been nominated.
- 3.13 In the event there is an insufficient number of certified candidates to fill all positions available, nominations will be re-opened for the vacant position, only, on Wednesday, October 14<sup>th</sup>, 2015, between the hours of 9:00 a.m. and 2:00 p.m. Such additional nominations, if required, shall be filed in the office of the Clerk as set out above.

#### **4. FORMS**

##### **Prescribed Forms**

- 4.1 The following list includes all prescribed forms used in the conduct of the 2015 Municipal By-Elections. (*Regulation 101/97, as amended*)

**Form 1** – Nomination Form

**Form 2** – Ballot

**Form 4** – Financial Statement - Auditor's Report

**Form 5** – Financial Statement - Subsequent expenses

**Form 6** – Notice of Extension of Campaign Period

**Form 7** – Notice of Registration

**Form 9** – Declaration of Identity

##### **Other Election Forms**

- 4.2 In addition to the aforementioned prescribed forms, the forms listed below may be used in the conduct of the 2015 Municipal By-Election:

EL16 Application for Removal of Another's Name from the Voters' List  
 EL15 Application to Amend Voters' List  
 EL11 Appointment and Oath of an Election Official  
 EL10 Appointment and Oath of a DRO  
 EL12A Appointment of Scrutineer by Candidate  
 EL14 Candidate's Declaration-Proper Use of Voters' List  
 EL8 Certificate of Election Results  
 EL37 Certificate of Maximum Campaign Expenses  
 EL22 Certificate of the Voters' List  
 EL18A Declaration of a Qualified Candidate - Municipal  
 EL18B Declaration of a Qualified Candidate - School Trustee  
 EL20 Declaration of Acclamation to Office  
 EL32 Declaration of Election Candidate  
 EL41 Declaration of Recount Results  
 EL36 Disclaimer to Right to Office  
 EL9 Final Summary of Election Results  
 EL7 List of Certified Candidates  
 EL21 Notice of Death of Candidate  
 EL43 Notice of Default  
 EL17 Notice of Nomination for Office  
 EL39 Notice of Recount  
 EL42 Notice to Candidate of Filing Requirements  
 EL27 Oral Oath of Friend or Interpreter  
 EL12B Oral Oath of Secrecy  
 EL40 Recount Results  
 EL24 Sample Notice of Election Information (For Newspaper Ad)  
 EL31B Statement of Election Results  
 EL19 Withdrawal of Nomination  
 EL38 Witness Statements as to Destruction of Ballots  
 Daily Batch Reconciliation Form  
 List of Persons Issued Mail-in Voting Kit at Town Hall  
 Voters' List Request Form  
 Scan Batch Control Sheet  
 Statement by Qualified Elector/Agent to Obtain Voter's Kit

4.3 The Clerk reserves the right to use other election forms as may be necessary for the conduct of the election.

**5. FORM OF BALLOT**

5.1 The ballot will contain only the Ward 3 By-Election race.

**6. VOTERS' LIST**

6.1 The Municipal Property Assessment Corporation (MPAC) is responsible for supplying the Township of Uxbridge with the Preliminary List of Electors (Voters' List) for the municipal election.

- 6.2 The Voters' List will be maintained electronically and on paper together with deletions, amendments and additions made by the Clerk, or designate. Voter participation in the election will also be indicated as the Return Voting Kits are received and bar codes on the Voter Declaration Forms are scanned in the Ballot Return Station.
- 6.3 On or before October 1, 2015, the Clerk will have the Voters' List reproduced. The Voters' List, deemed to be showing the names of all persons entitled to vote in the November 23<sup>rd</sup>, 2015 Municipal By-Election within Ward 3 of the Township of Uxbridge, will be available for public inspection at the Township of Uxbridge Town Hall, 51 Toronto Street South, Uxbridge, during regular office hours (Monday through Friday, 8:30 a.m. to 4:30 p.m.) commencing Friday, October 2<sup>nd</sup>, 2015.

**Extended office hours will be as follows:**

- a) **Saturday, November 14, 2015, from 10:00 a.m. to 1:00 p.m.**
- b) **Wednesday, November 18, 2015, from 4:30 p.m to 7:00 p.m**
- c) **Monday, November 23, 2015 from 4:30 p.m. to 8:00 p.m.**

- 6.4 If an individual is qualified to vote and their name has been omitted from the Voters' List or the information is incorrectly shown, that person must file an 'Application to Amend the Voters' List' (Form EL15). This application must be filed with the Clerk, or designate, at the Township of Uxbridge Town Hall, 51 Toronto Street South, Uxbridge, during the period commencing Friday, October 2, 2015 and running through to November 20<sup>th</sup>, 2015, during regular business hours, Monday through Friday, 8:30 a.m. to 4:30 p.m. and November 23<sup>rd</sup>, 2015 (Voting Day) from 8:30 a.m. until 8:00 p.m.

**Extended office hours will be as follows:**

- a) **Saturday, November 14, 2015, from 10:00 a.m. to 1:00 p.m.**
- b) **Wednesday, November 18, 2015, from 4:30 p.m to 7:00 p.m**
- c) **Monday, November 23, 2015 from 4:30 p.m. to 8:00 p.m.**

- 6.5 Applications to remove another person's name from the Voters' List must be made in writing on an 'Application for Removal of Another's Name from the Voters' List' form and delivered to the Clerk, or designate, during the period from September 29<sup>th</sup>, 2015 until October 9<sup>th</sup>, 2015, during regular office hours, Monday through Friday, 8:30 a.m. to 4:30 p.m.
- 6.6 Electors added to the Voters' List on or before October 13<sup>th</sup>, 2015 will receive their Mail-in Voting Kit by regular mail from Canada Post.
- 6.7 Electors added to the Voters' List after October 13, 2015 and up to October 20, 2015 will be mailed a Mail-in Voting Kit by the Clerk, or designate, on or after October 20, 2015.

- 6.8 Electors added to the Voters' List from October 20, 2015 through until the close of voting on November 23, 2015 will be provided with a Mail-in Voting Kit at the time of filing their 'Application to Amend the Voters' List' (EL15). These electors will have the option of: (1) immediately completing the Voter Declaration Form and Ballot at Town Hall in a designated 'secure area' and depositing the completed Return Voting Kit (in the yellow Return Voting Envelope) into a Ballot Return Box under the supervision of the Clerk or designated Election Official, (2) sending the completed Return Voting Kit (in the yellow Return Voting Envelope) by regular mail on or before November 9, 2015, or (3) hand-delivering the completed Return Voting Kit (in the yellow Return Voting Envelope) to Town Hall at a later time, prior to 8:00 p.m. on Voting Day, November 23, 2015, into a Ballot Return Box at Town Hall.
- 6.9 The Voters' List containing deletions, amendments and additions, as well as a record of those persons who have participated, to date, and those persons who have been issued Mail-in Voting Kits by the municipality will be maintained by the Clerk or designated Election Official. This information may be inspected at any time during regular office working hours and on November 23, 2015 until 8:00 p.m.

## **7. PROXY VOTING**

- 7.1 As the Township of Uxbridge is conducting the 2015 Ward 3 Municipal By-Election using a mail-in ballot process, in accordance with Section 42(5) of the Act and By-law Number 2014-007, there is no requirement for and no opportunity to vote by proxy.

## **8. MAIL-IN VOTING PROCEDURE**

- 8.1 The Municipality, in conjunction with DataFix, will provide a Mail-in Vote Kit to every person who qualifies to be an elector up to the close of voting on November 23<sup>rd</sup>, 2015 at 8:00 p.m.
- 8.2 **The Mail-in Voting Kit will consist of:**
- Voting Instruction Sheet
  - One Composite Ballot
  - One Ballot Secrecy Envelope
  - One Voter Declaration Form
  - Yellow Return Voting Envelope with prepaid postage
  - Such other material as the Clerk or designated election official determines.
- 8.3 The Voters' List changes will be finalized with DataFix on October 13, 2015 in preparation for the mail-out of Voting Kits.

- 8.4 The Clerk or designated Election Official, on October 20, 2015, will cause to be mailed to every elector who had qualified to be on the Voters' List by October 13, 2015, a Mail-in Vote Kit. The Kit will be mailed to the elector's address as shown on the Voters' List.
- 8.5 The Clerk, or designated Election Official, will mail a Mail-in Vote Kit to every person qualified to be on the Voters' List and who has been added to the List between October 13, 2015 and October 20, 2015. Electors added to the Voters' List after October 20, 2015 until November 23, 2015 at 8:00 p.m. will be provided a Mail-in Vote Kit at the time they are added to the Voters' List, at Town Hall.
- 8.6 If a qualified elector whose name is on the Voters' List does not receive his/her Mail-in Vote Kit or if the Mail-in Vote Kit is lost or destroyed, a new Mail-in Vote Kit may be issued by attending at the Township of Uxbridge Town Hall, 51 Toronto Street South, Uxbridge, on or after October 27, 2015. The Clerk or designated Election Official will confirm that the elector is qualified and have the elector or agent complete the "Statement By Qualified Elector/Agent To Obtain a Mail-in Voting Kit from the Clerk" form and a new Mail-in Vote Kit will be issued. The "Statement By A Qualified Elector/Agent To Obtain a Mail-in Voting Kit from the Clerk" forms will be retained for the statutory retention period.
- 8.7 If a qualified elector requires a new ballot because the original ballot they received was marked incorrectly or ruined, the Clerk or designated Election Official shall shred the original ballot without examining the ballot and issue a new ballot to the elector.
- 8.8 Upon receipt of the Mail-in Vote Kit, the voter will complete the ballot, place it in the inner Ballot Secrecy Envelope and seal the envelope. The voter will then sign the Voter Declaration Form and place it, along with the sealed Ballot Secrecy Envelope, in the yellow Return Voting Envelope. If an elector requires assistance in voting, he/she will make their mark (i.e. an "X") on the signature line and have a witness sign in the signature area of the Voter Declaration Form. If the Voter is unable to make a mark, an oral oath or affirmation of the Voter's eligibility may be given for which the witness will sign in the signature area of the Voter Declaration Form and state the words "oral oath given". The postage for the yellow Return Voting Envelope mailed in Canada is prepaid.
- 8.9 In addition to using the regular Canada Post mail system, a "Ballot Return Station" will be established for those electors wishing to deposit their completed Mail-in Voting Kit directly with the Clerk or designated Election Official at the Township of Uxbridge Town Hall, 51 Toronto Street South, Uxbridge, on the following dates and times:

**Monday, November 2<sup>nd</sup>, 2015, through Friday, November 20<sup>th</sup>, 2015, from 8:30 a.m. until 4:30 p.m. and Monday, November 23<sup>rd</sup>, 8:30 a.m. until 4:30 p.m.**

**Extended office hours will be as follows:**

- a) Saturday, November 14, 2015, from 10:00 a.m. to 1:00 p.m.**
- b) Wednesday, November 18, 2015, from 4:30 p.m. to 7:00 p.m.**
- c) Monday, November 23, 2015 from 4:30 p.m. to 8:00 p.m.**

- 8.10 The final day to deposit the completed Mail-in Voting Kit in the mail to ensure delivery to the Clerk is November 9<sup>th</sup>, 2015. Following this date, voters are required to deposit their completed Mail-in Voting Kit at the designated “Ballot Return Station” at the Township of Uxbridge Town Hall, 51 Toronto Street South, Uxbridge.
- 8.11 Completed Mail-in Voting Kits deposited in the red mail drop box located at the front entrance to the Township of Uxbridge Town Hall, 51 Toronto Street South, Uxbridge, until November 23, 2015 at 8:00 p.m. will be considered as having been mailed.
- 8.12 A separate Mail-in Voting Kit will be provided to each individual elector. Any completed Mail-in Voting Kit received by the Clerk or designated Election Official which contains more than one Voter Declaration Form or more than one Ballot Secrecy Envelope shall be treated in the following manner:
  - **Completed and returned Mail-in Voting Kits containing equal numbers of sealed Ballot Secrecy Envelopes and completed Voter Declaration Forms WILL BE ACCEPTED.**
  - **Completed and returned Mail-in Voting Kits containing more sealed Ballot Secrecy Envelopes than completed Voter Declaration Forms or more completed Voter Declaration Forms than sealed Ballot Secrecy Envelopes WILL BE REJECTED.**
- 8.13 Each day, starting October 26<sup>th</sup>, 2015, as completed Mail-in Voting Kits are received at the Township of Uxbridge Town Hall, 51 Toronto Street South, Uxbridge, either by mail or from a “Ballot Return Station”, the Clerk or designated Election Official will separate the sealed Ballot Secrecy Envelope and Voter Declaration Form from each yellow Return Voting Envelope and, using the identifying bar code printed **only** on the Voter Declaration Form, indicate the elector’s participation on the electronic Voters’ List.
- 8.14 If, upon opening the yellow Return Voting Envelope of the completed Mail-in Voting Kit, the Ballot Secrecy Envelope has not been sealed or in the

event the Ballot Secrecy Envelope has been sliced open as a result of opening the yellow Return Voting Envelope, the Clerk or designated Election Official may seal or tape that envelope without examining the ballot.

- 8.15 Sealed Ballot Secrecy Envelopes will be randomly placed into ballot boxes which, when full, will be sealed and placed in a secure location under the control of the Clerk or designated election official. On November 23<sup>rd</sup>, 2015, the sealed Ballot Secrecy Envelopes will be transported to the Ballot Counting Centre, as designated by the Clerk.
- 8.16 Ballots received by the Clerk or designated Election Official after 8:00 p.m. on Voting Day will not be included in the tabulated results, but will be date-stamped with the time of receipt and retained for the statutory document retention period.

## **9. ACCESSIBLE ELECTION POLICIES/PROCEDURES**

- 9.1 Pursuant to the Act as well as the *Ontarians with Disabilities Act, 2001* and the *Accessibility for Ontarians with Disabilities Act, 2005*, the Clerk is mandated to establish procedures and provide appropriate measures to ensure that persons with disabilities have equal opportunity to participate fully in the 2015 Ward 3 Municipal By-Election. Accordingly, the 2015 Municipal By-Election in the Township of Uxbridge will be conducted in such a manner as to ensure that:
- candidates and electors with disabilities have full and equal access to all election information and services;
  - persons with disabilities have full access to the Ballot Return Station located at the Township of Uxbridge Town Hall; and
  - persons with disabilities are able to independently and privately mark their ballots and have access to alternative methods of voting assistance.

The Township of Uxbridge is compliant with all regulations of the *Accessibility for Ontarians with Disabilities Act, 2005*. All required documentation is available upon request.

### **Assistance to Electors with Disabilities**

- 9.2 Through the use of a mail-in voting system, the Township of Uxbridge facilitates an opportunity for electors to mark their ballot from a “vote anywhere any time” perspective, during the voting period. Should an elector choose to mark their ballot at Town Hall, or simply wish to return their completed Mail-in Voting Kit, personally, rather than through the regular mail, the Township will endeavor to ensure that the process is accessible to those persons with disabilities.

## **Access to Ballot Return Station**

- 9.3 The Town Hall is located on a major traffic route and accessible transit is available through the Durham Region Transit system. The building name is clearly visible from the road and a pedestrian crosswalk with required curb cuts is located along the frontage of the property. There are two, clearly marked, accessible parking spaces in the parking lot accessed from Toronto Street and adequate curb cuts allowing access to both front entrances to the main floor. Both entry areas are equipped with marked automatic door openers and the doors are wide enough to accommodate wheelchair or scooter traffic. The Ballot Return Station for the 2015 Municipal By-Election is located on the main floor with level access from both front entrances. The corridors are kept clear and floors are even and hard-surfaced with rubber-backed commercial doormats at both points of entry. Benches and chairs are available at various locations. A private, designated barrier free area with adequate lighting and a suitably low writing surface will be available should a person with a disability choose to mark their ballot while at Town Hall.

### **Voting Assistance - Support Persons**

- 9.4 Persons with disabilities may be accompanied by a support person within the Ballot Return Station who may make the marks on the ballot for them, or read the ballot aloud. There are no prescribed oaths to be taken by support persons. In addition, the Clerk or designated Election Official can assist the voter in completing their ballot. In this instance, prior to entering the designated area, the elector with the disability and the Clerk, or designated official, will determine the extent to which assistance is needed and the best way that it can be provided. This may even include actually marking the ballot as directed by the elector. When the voting assistance is required in an institution or retirement home, the assistance can be provided to voters with disabilities in their living areas or at their bedside. All Election Officials are required to swear an oath of secrecy.

### **Voting Assistance - Service Animals**

- 9.5 Electors requiring service animals will be permitted to have them accompany them while in the Ballot Return Station at Town Hall. They will be permitted to accompany the elector in all areas where public access is allowed.

### **Voting Assistance - Accessible Voting Technologies**

- 9.6 Magnifying sheets will be made available to assist any elector requesting one.

## 10. REJECTION OF BALLOTS

- 10.1 In addition to rejecting cast ballots for violations of the Act, the following conditions will also cause a ballot to be considered 'rejected' if:
- a) upon opening the yellow Return Voting Envelope, there is no Voter Declaration Form;
  - b) upon opening the yellow Return Voting Envelope, the Declaration Form is not signed;
  - c) upon opening the yellow Return Voting Envelope, there is a different number of Ballot Secrecy Envelopes from Voter Declaration Forms;
  - d) upon opening the yellow Return Voting Envelope, there are identifiable marks on the sealed Ballot Secrecy Envelope;
  - e) upon opening the yellow Return Voting Envelope, the ballot is not contained within the Ballot Secrecy Envelope and clearly visible; and,
  - f) upon opening the sealed Ballot Secrecy Envelope **at the Ballot Counting Centre on November 23, 2015**, the envelope contains more than one ballot, the ballot contains identifiable marks, or the ballot is for an election event in another municipality.
  - g) Upon opening the sealed Ballot Secrecy Envelope at the Counting Centre, the envelope contains a Ballot which, in its entirety, has not been marked, it will be counted as a "Ballot Used But Unmarked by Elector".
- 10.2 Notwithstanding aforementioned Section 9.1, in the event that, upon opening the Return Voting Envelope:
- (a) A Voter Declaration Form is not visible, the Clerk or designated Election Official shall be permitted to open the Ballot Secrecy Envelope to ascertain the presence of a signed Voter Declaration Form. Should a signed Voter Declaration Form be contained within the Ballot Secrecy Envelope, the Clerk or designated Election Official shall retrieve the signed Voter Declaration Form and place the ballot within another Ballot Secrecy Envelope without examining it.
  - (b) If there is a greater number of visible signed Voter Declaration Forms to Ballot Secrecy Envelopes, the Clerk or designated Election Official shall be permitted to open the Ballot Secrecy Envelope to ascertain if there be an equal number of ballots contained within the Ballot Secrecy Envelope to signed Voter Declaration Forms, then shall

retrieve the ballots and, without examining, place same within another Ballot Secrecy Envelope(s);

- (c) The ballot is visible and not enclosed within the Ballot Secrecy Envelope, the Clerk or designated Election Official shall place the ballot within a Ballot Secrecy Envelope without examining the ballot.

## **11. SECURITY & DISPOSITION OF ELECTION RECORDS**

### **Security of the Ballot PRIOR to Voting**

- 11.1 Ballots will be printed to Dominion Voting Systems specifications under the supervision of Dominion Voting Systems and DataFix. The number of ballots printed will be forwarded to the Clerk or designated election official.
- 11.2 A Mail-in Voter's Kit including a ballot will be mailed to each person identified on the Voters' List on October 13, 2015 and a record of the number of mailed ballots will be forwarded to the Clerk or designated election official.
- 11.3 In addition to the ballots mailed, the Clerk, or designate, will receive approximately 200 ballots for the ballot face which will be issued to qualified electors and also used for the logic and accuracy testing of the vote scanner/tabulators.
- 11.4 In the event that there are insufficient ballots provided by DataFix, upon the authorization of the Clerk, or designate, and with the assistance of Dominion Voting Systems, additional ballots may be printed.

### **Security of the Ballot DURING/AFTER the Vote**

- 11.5 Upon receiving the yellow Return Voting Envelopes by mail or from the Ballot Return Stations, the outer envelopes will be opened and, upon being verified, the sealed Ballot Secrecy Envelopes will be stored in ballot boxes. At the end of each day, the number of yellow Return Voting Envelopes received that day will be reconciled with the:
- Number of electors marked as having participated on the Voters' List
  - Number of rejected ballots
  - Number of Ballot Secrecy Envelopes deposited into the ballot box
  - Number of Voter Declaration Forms

The reconciliation will be recorded on the Daily Batch Reconciliation Form.

- 11.6 As each ballot box is filled, and at the end of each day, the Clerk, or designate, will affix a seal to the ballot boxes, initial the seal and place the sealed ballot boxes in a secure location under the control of the Clerk, or

designate. Each morning the Clerk, or designate, will retrieve any sealed, but not full, ballot boxes, inspect the seals to ensure they are intact, and, in the presence of another staff member, break the seals to access the slots for use during the day.

- 11.7 At 2:00 p.m. on November 23, 2015 (Voting Day), the sealed ballot boxes will be transported by the Clerk, or designate, from the secure storage location to the Ballot Counting Centre. A ballot box(es) will be maintained at the Voting Day Ballot Return Station during the specified hours. At various intervals and, at the close of voting at 8:00 p.m., the ballot box(es) maintained at the Voting Day Ballot Return Station will be sealed and transported to the Ballot Counting Centre.
- 11.8 When the count is complete, the ballots will be placed in ballot boxes which, when full, will be sealed and initialed by the Clerk or designated Election Official prior to transfer to a secure place under the control of the Clerk or designated election official for the statutory retention period.

### **Disposition of Election Records**

- 11.9 As soon as possible after March 23, 2016, the Clerk, or designate, will effect the destruction of the ballots and may also destroy any other documents and records related to the 2015 Municipal By-Election pursuant to Section 88 of the Act.
- 11.10 Notwithstanding section 11.9 above,
- if a recount has been initiated, the records must be retained until the disposition of the recount;
  - records will not be destroyed if a court orders that they be retained; and
  - Nomination papers (Form 1) and Financial Statements (Form 4 and possibly Forms 5 and 6) filed by any candidate will be retained until the members of the Council or local boards elected in the next regular election take office (i.e. after December 1, 2018).

## **12. BALLOT COUNTING CENTRE – GENERAL**

- 12.1 The Ballot Counting Centre will be the Township of Uxbridge Town Hall, 51 Toronto Street South, Uxbridge, as designated by the Clerk.
- 12.2 The doors to the Township of Uxbridge Town Hall, 51 Toronto Street South, Uxbridge, will be locked at 8:00 p.m. on November 23, 2015. Those in Town Hall will be permitted to vote. Only the Clerk, Deputy Returning Officers, designated Election Officials, certified Candidates and authorized Scrutineers will be permitted to remain in the Ballot Counting Centre after 8:00 p.m. and only designated Election Officials will be

allowed to enter thereafter. Candidates and Scrutineers leaving the Town Hall after 8:00 p.m. **will not be permitted to return.**

- 12.3 Cell phones and/or other electronic equipment **will not be permitted** in the Ballot Counting Centre other than for designated Election Officials. Scrutineers and candidates will not interfere with the vote count in any manner. Should they do so, they will be required to leave the facility when so requested by the Clerk, or designated Election Official.
- 12.4 No campaign material will be allowed within or upon the entire property occupied by the Township of Uxbridge Town Hall.
- 12.5 The procedures for the proper handling of ballots will be enforced to ensure that each ballot is tracked, stored, and subjected to quality control and that:
- each ballot is scanned only once;
  - each scan can be successfully processed for intent; and
  - spoiled ballots are removed or managed before entering the database.
- 12.6 The Ballot Counting Centre shall have the following stations:

Station	Details
Ballot Secrecy Envelope Opening Station	An electronic letter opener is used to open the Ballot Secrecy Envelopes.
Ballot Extraction Station	Election Officials manually extract the ballot from the Secrecy Envelope, unfold the ballot, and place in a pile for delivery to Ballot Scanning Station.
Defective Ballot Processing Station	Ballots that are unable to be scanned due to a technical defect are duplicated at this Station.
Ballot Scanning Station	The ballots are scanned in batches and the image processor reads each image to determine voter intent.
Tabulation Station	Batches of scanned ballots are electronically transferred to the Data Acquisition System to be audited and then tabulated for the results.
Ballot Transfer Station	Ballots scanned at the Ballot Scanning Station are placed in ballot boxes.
Ballot Storage Station	As each ballot box is filled at the Ballot Transfer Station, it is sealed and transferred to a secure storage facility in accordance with the Act.

### **13. BALLOT COUNTING CENTRE – OPERATIONAL PROCEDURES**

- 13.1 At 2:00 p.m. on Voting Day, the sealed ballot boxes will be transported by the Clerk or designated Election Official to the Ballot Secrecy Envelope Opening Station. At that time, Election Officials will be sequestered in order to commence the ballot processing procedures identified in subsections 13.2 through to and including 13.17, below.

A ballot box(es) will be made available in order to receive Return Voting Kits at the Voting Day Ballot Return Station until 8:00 p.m. At various intervals, and at the close of voting at 8:00 p.m. the ballot box(es) situated at the Ballot Return Station will be sealed and delivered to the Ballot Secrecy Envelope Opening Station.

- 13.2 The following steps are repeated until all ballots cast have been processed.
- 13.3 The sealed ballot box(es) will be unsealed and the Ballot Secrecy Envelopes will be opened through the use of an electronic letter opener. The opened envelopes are set aside in bundles to be picked up by the Runner.
- 13.4 The Runner will deliver the opened Ballot Secrecy Envelopes, in bundles of approximately 50 to each Election Official at the Ballot Extraction Station in the Ballot Counting Centre.
- 13.5 Each Election Official, upon receipt of the opened Ballot Secrecy Envelopes, will manually extract the ballot from each Secrecy Envelope, unfold and flatten the ballot, and uniformly place the ballot, face down, in a pile for pick-up by the Runner. The empty Secrecy Envelope will be set aside in a separate pile.
- 13.6 In the event a ballot is accidentally slit by the envelope opener or in the event that a ballot extracted from a Ballot Secrecy Envelope is damaged in such a manner that it obviously cannot be scanned (eg. torn, ripped, crumpled) the Election Official will re-insert the ballot back into the envelope and set it aside for the Runner to deliver to the Defective Ballot Processing Station.
- 13.7 The Runner will regularly attend each Election Official at the Ballot Extraction Station to collect the flattened ballots that have been secured in bundles of 50, deliver them to the Ballot Scanning Station, and will also collect any damaged ballots and deliver them to the Defective Ballot Processing Station.

## Scanning Procedures

- 13.8 Upon receiving a batch of 50 ballots to be scanned, the Election Official at the Ballot Scanning Station will, using a new Scan Batch Control Sheet, record the batch number as automatically generated by the software system.
- 13.9 The Election Official will scan the batch of ballots and the image processor will read each image to determine voter intent. If there are no misreads, the tabulator counter will be compared to the processor counter to ensure that each scanned image has been read correctly. As well, the processor will report the count of the first ballot scanned and this information is verified against the first ballot in that batch to ensure accurate operation of the processor. The details of the scan for the batch are recorded by the Election Official on the Scan Batch Control Sheet.
- 13.10 In the case of a technically damaged or defective ballot, the image processor will report a misread, cease scanning, and report the location of the ballot for removal. The damaged/defective ballot will be isolated for action by the Clerk, or designated Election Official (either a second attempt at scanning, or delivered to the Defective Ballot Processing Station by the Runner). The batch will be rejected and completely rescanned without the offending ballot.
- 13.11 From time-to-time, the tabulator may experience a paper jam. In this case, the batch will be deleted from the system, and rescanned in its entirety.
- 13.12 Once the batch has been successfully scanned and the Election Official has completed the Scan Batch Control Sheet, the Election Official will deliver the batch, enveloped by the original Scan Batch Control Sheet, and place same in the next available ballot box at the Ballot Transfer Station. The Batch will be stored without paperclips or elastics. The copy of the Scan Batch Control Sheet will be placed in the folder provided.
- 13.13 When a ballot is reported as a misread by the image processor and it is determined by the Election Official that the ballot was rejected due to a technical defect, that ballot will be delivered to the Defective Ballot Processing Station by the Runner.
- 13.14 Upon receipt of the technically defective ballot, and after numerous attempts to scan the ballot, the Election Official will, using a new unused ballot, prepare a Replacement Ballot by marking the new ballot with the same marks contained in the designated voting spaces on the technically defective ballot, and the Replacement Ballot will be clearly labeled "replacement" and given a serial number which will also be recorded on the defective ballot. (ie. Replacement #1 / Defective #1, Replacement #2

/ Defective #2, etc.). The annotations on the Replacement Ballot must be recorded only on the bottom edge of the back of the ballot.

- 13.15 The replacement ballot will be delivered by the Runner to the Ballot Scanning Station to be included in a batch for scanning.
- 13.16 The defective ballot will be placed in a “Defective Ballots” envelope.
- 13.17 If a ballot is rejected by the vote scanner/tabulator because it is not a Township of Uxbridge ballot, the ballot will not be scanned and will be placed in the envelope marked “Rejected Ballots”.
- 13.18 The Runner will regularly collect the empty Ballot Secrecy Envelopes and discard them into the designated waste receptacles.

### **Tabulation Procedures**

- 13.19 As soon as possible after 8:00 p.m., each scanned ballot will be electronically tabulated at the batch level, validated and published by the Clerk or designated Election Official. By publishing the batch, the batch level results are then added to the cumulative results and released to the internet.

## **14. ALTERNATIVE VOTING EQUIPMENT**

### **Scanner/Tabulating Equipment**

- 14.1 Dominion Voting Systems will supply the scanning/tabulating hardware required to scan and tabulate the ballots for the 2015 Municipal By-Election. Two (2) centralized Optical Scan Ballot Tabulators (scanner/tabulators) will be used to scan the ballots and a PC attached to each scanner/tabulator will accumulate the data.
- 14.2 Dominion Voting Systems will supply the Democracy Suite software package required to design ballots, scan ballots, tabulate results, audit ballot tabulation, display results and produce election results reports. This software system will reside on a PC located in a secure location under the control of the Clerk, or designate Election Official.

### **Programming of the Hardware & Software**

- 14.3 The scanner/tabulator hardware and software will be programmed so that:
  - a printed record of the number of votes cast for each candidate will be provided;
  - a ballot that is damaged or defective or has been marked in such a way that it cannot be properly processed by the vote

scanner/tabulator, will be returned to the Election Official with the message "Invalid Ballot";

- the scanner/tabulator will stop when it hits a damaged or defective ballot;
- an over-voted race (ie. where more votes are marked on a ballot than are allowed) will not be counted. The remaining races that have been properly voted on that same composite ballot will be counted;
- an under-voted race (ie. where fewer votes are marked on the ballot than are allowed) will be counted;
- a blank ballot (ie. no votes indicated in any race on the composite ballot) will be counted; and,
- an appropriate threshold value is determined to constitute a valid vote based on calibration.

### **Testing of Hardware & Software**

- 14.4 Prior to Voting Day, the Clerk, in the presence of a designated Election Official, will have the scanner/tabulators tested to ensure that they will accurately count the votes for all candidates that are marked with a pen/pencil and with a valid mark in the designated area.
- 14.5 Adequate safeguards will be taken to ensure that the system, or any part of it, that is used for scanning, processing, and tabulating votes is isolated from all other applications or programs and that no remote devices are capable of gaining access to the system.
- 14.6 After programming the software and scanner/tabulators, the testing will be conducted as follows:
- scan and tabulate a pre-audited group of ballots marked with a variety of marking tools, including ballots that fall into each of the following categories:
    - ballots on which are recorded a pre-determined number of votes for each candidate;
    - ballots that have over-voted races for each candidate;
    - ballots that have under-voted races for each candidate;
    - ballots that have no votes recorded.
  - compare the output of the tabulation with the pre-audited results.
- 14.7 If the Clerk, or designate, detects any error in the test, the cause of the error will be ascertained and corrected and the test will be repeated until an errorless count is made and certified by the Clerk, or designate.
- 14.8 The Clerk will, at the completion of the test, retain the programs, test materials and ballots in a sealed envelope with the remaining election materials and records in accordance with the Act.

## Re-Testing of Election Hardware & Software

- 14.9 If the scanner/tabulator fails, the batch that is currently being scanned will be set aside until such time as the scanner/tabulator is operational. In the event that a scanner/tabulator malfunctions during the counting process, it may be necessary for an adjustment on the scanner/tabulator. Paper jams, multi-feeds, and other minor interruptions will not be considered malfunctions and will not require that the system be re-tested.
- 14.10 Upon becoming operational again, the following procedure is to be followed to verify that the problem has been rectified on the repaired scanner/tabulator and that the equipment is scanning and reading correctly:
- a) The Clerk will have prepared, prior to the commencement of the scanning, a pre-audited group of ballots similar to the pre-audited group of ballots as provided in Section 14.6 above.
  - b) The test deck of ballots will be fed through the scanner/tabulator.
  - c) The Clerk, or designate, will review the digital image of each ballot and verify that the scanner/tabulator is reading the ballots properly.
  - d) The test batch is then scanned as a test to verify that the system is scanning correctly. This process will be done using a replica of the database that will reside on a separate computer which is not connected to the actual election database, so that the results of the testing are not in any way combined with the actual election results.
  - e) If the results indicate that the scanner is now performing correctly, the test results are removed from the replica database and the test ballots are sealed in an envelope and labeled as “test deck ballots” and the time of the test.
  - f) The scanner/tabulator will now be ready to resume production.

## **Auditing and Transparency**

- 14.11 Dominion Voting's patented system stores a complete image of every ballot processed, together with an audit trail for that ballot which is visually affixed to the image. This trail shows how the scanner/tabulator interpreted the ballot and, by viewing this image, it can be easily verified that the tabulator has correctly interpreted the voter marks on the ballot. This ballot audit trail image can be used as:
- a method to test machine integrity prior to the election
  - a method of obtaining confidence that the equipment is functioning properly

## **15. SCRUTINEERS & CANDIDATES**

- 15.1 Candidates may appoint Scrutineers in writing, on the designated form, to represent them.

### **Rights of Scrutineers and Candidates when using Automated Vote Counting Equipment and Alternative Voting Methods**

- 15.2 With the Township's utilization of alternate voting processes, being the Mail-in Vote and Automated Vote Scanning/Tabulation, the procedures with respect to the scrutinizing of the election process are impacted. Candidates and their Scrutineers are advised to be aware of the opportunities for scrutinizing the election established by the Township Clerk pursuant to Section 42 of the Act.

### **Rules of Conduct for Scrutineers and Candidates**

- 15.3 (1) The Election Stations shall be defined as follows: Ballot Return Station, Ballot Secrecy Envelope Opening Station and the Ballot Counting Centre.
- (2) The Clerk, or other designated Election Official, is responsible for the conduct of the Election Stations listed in (1) above **and no candidate or scrutineer has any right to interfere** with the Clerk, or designate, in the discharge of his/her duties.
- (3) Prior to entering any of the Election Stations, as listed in (1) above, every person appointed as a Scrutineer shall produce and show his/her Appointment of Scrutineer form to the Clerk, or designate, and take the Oral Oath of Secrecy.
- (4) Upon being approved to enter any of the Election Stations, as listed in (1) above, every Candidate and Scrutineer shall, at all times while in any of the Election Stations, wear the assigned Identification Card in such a manner that it can be easily seen by the election officials.

- (5) **Only one scrutineer for each certified candidate** may be present within any of the Election Stations as listed in (1), at any time. If the Candidate or another of his/her Scrutineers enters the Station, the other Scrutineer shall leave.
- (6) Candidates and Scrutineers are reminded to provide a clipboard for their own use, as they will be required to sit in the designated areas.
- (7) Candidates and Scrutineers must not attempt to directly or indirectly influence how an elector votes.
- (8) Candidates and Scrutineers will not display any campaign material or literature anywhere on Town Hall premises.
- (9) **Candidates and Scrutineers will not, at any time, apply their seals or signatures to any boxes or envelopes used for the secure storage of sealed Ballot Secrecy Envelopes, completed Voter Declaration Forms or rejected Voter Kits.**
- (10) Candidates and Scrutineers will **NOT** touch any election equipment, materials and/or documents including but not limited to: scanning/tabulating equipment, computers, envelope openers, Ballots, Ballot Secrecy Envelopes, Voter Declaration Forms, Return Voting Envelopes. They are simply there to observe.
- (11) The total of votes cast for each candidate as counted by the scanning/tabulating equipment and as accepted by the Clerk, or designate, is final and the **ballots will not be recounted** without regard for the procedures for recounts outlined in the Municipal Elections Act. The Clerk, or designate, shall provide to a Candidate or his/her Scrutineer, if requested, a report of the unofficial election results.
- (12) Cell phones or other electronic communication/recording devices are **NOT** permitted in any Election Stations, as listed in (1).

## **16. ANNOUNCEMENT OF RESULTS**

- 16.1 Unofficial results of the counting will be posted on the municipality's website.
- 16.2 Once the cumulative results have been certified by the Clerk, or designated Election Official, they will become the official results.
- 16.3 The official results will be posted at the Township of Uxbridge Town Hall, 51 Toronto Street South, Uxbridge, as soon as possible after Voting Day.

## **17. RECOUNTS**

- 17.1 Where there is a tied vote for the election of a candidate to an office and both or all of the candidates cannot be declared elected, the Clerk must hold a recount within 15 days after the declaration of results of the election.
- 17.2 A candidate who, by a close margin, was not elected may request that the current Council pass a resolution directing that a recount be held. The resolution must be passed within thirty (30) days from the date of the Clerk's official declaration of the results of the election. Once the resolution is passed, the Clerk has 15 days to conduct the recount.
- 17.3 If the current Council turns down the request for a close vote recount, the candidate may choose to apply to the Superior Court of Justice for a recount. If successful, the recount will be held within 15 days after the Clerk receives a copy of the Order.
- 17.4 In the event of a recount of the ballots cast for an office(s), pursuant to subsections 56, 57, or 58 of the Act, the recount shall be conducted in the same manner as the original count (i.e. scanning/tabulating equipment) unless ordered otherwise by an order of the Superior Court of Justice.
- 17.5 Pursuant to subsection 42(4), paragraph 3 of the Act, those persons entitled to attend a recount as identified in subsection 61(5) of the Act are **NOT** entitled to examine each ballot as the votes are being counted by the Clerk, or designate.

## **18. EMERGENCIES**

- 18.1 In the event of any condition of an emergency or any circumstance that will undermine the integrity of the election, the Clerk has the discretion to declare an emergency and make any arrangements she deems necessary for the proper conduct of the election.

**19. AMENDMENTS TO THIS DOCUMENT**

19.1 The Clerk at any time has the right to amend this document to facilitate the vote, count, tabulation of the votes and security.

19.2 The Clerk's ruling on any interpretation of this document is final.